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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,555	02/19/2004	Yoshihiko Yokoyama	2004-0234A	1708
513 7590 09/21/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER CHU, KIM KWOK	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,555

Applicant(s)

YOKOYAMA ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 6/13/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23, 27-31, 36, 38 and 40-43 is/are allowed.
- 6) ☒ Claim(s) 18, 24-26 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 35, 37 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Remarks

1. Applicant's Remarks filed on June 13, 2007 have been fully considered but it is not persuasive.

Applicant states that the cited prior art of Song et al. (U.S. Patent 6,091,553) has misstated the terminology for the respective coils (page 11 of the Remarks, lines 1 and 2). For example, Applicant does not agree that Song's coil 54 as illustrated in Fig. 3 is a tracking coil (page 10 of the Remarks, line 23). Accordingly, the prior art of Song teaches that coil 54 is a tracking coil in both Figs. 3 and 5 (column 2, line 4). In addition, the prior art of Song states that the tracking coil is 54 while a pair of focusing coils 52a and 52b are wound around the opposite sides of the lens holder 40 (column 5, lines 42-52). Furthermore, Song's EP 0997889 also teaches the same coil arrangement as stated above.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 18, 24-26 and 32-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Song et al. (U.S. Patent 6,091,553).

4. Song teaches an actuator for an optical pickup having all the elements and means as recited in claims 18, 26 and 34. For example, Song teaches the following:

(a) with respect to Claim 18, an actuator 40 for an optical pickup which includes a lens member 42 having an outermost end portion in a diametrical direction of the lens member 42 and an optical axis (Fig 1), the actuator 40 comprising a track coil 54 for driving the lens member 40 to move, in the diametrical direction, inward or outward with respect to an optical disk (Figs. 1 and 5; column 5, lines 42-52) wherein at least part of the track coil 54 is in a position closer to the optical axis of the lens member 40 than the outermost end portion of the lens member (Fig.

3).

5. Claim 26 has limitations similar to those treated in the above rejection, and is met by the references as discussed above.

6. Claim 34 has limitations similar to those treated in the above rejection, and is met by the references as discussed above.

7. Song teaches an actuator for an optical pickup having all the elements and means as recited in claims 24, 25, 32 and 33. For example, Song teaches the following:

(a) with respect to Claim 24, an actuator 40 for an optical pickup which includes a lens member 42 having one surface for facing an optical disk, another surface on an opposite side thereof, a diametrically outermost peripheral edge and an optical axis (Fig. 1), the actuator 40 comprising a track coil 54 for driving the lens member 42 in a diametrical direction of the lens member inward or outward with respect to the optical disk (Figs. 1 and 5); and a holder (Fig. 3; lens 42 holding means) positioned to face the optical disk and having a surface that holds a peripheral portion of the lens member 42 from the opposite

side of the other surface of the lens member (Fig. 3; lens 42 is supported on the other side of the exposed lens surface by a lens holding means), the holder having an outermost diameter smaller than the outermost peripheral edge of the lens member (Fig. 3; diameter of the lens 42 is larger than the lens holder's core where tracking coil is wound).

(b) with respect to Claim 25, the holder supports a flange (edge) of the lens member (Fig. 3)

8. Claims 32 and 33 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

Allowable Subject Matter

9. Claims 35, 37 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 19-23, 27-31, 36, 38 and 40-43 are allowable over the prior art.

11. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claims 19, 21, 27 and 29, the prior art of record fails to teach or fairly suggest that an actuator for an optical pickup wherein at least one of the focus coil and the track coil has a wound line shape that includes first sides thereof facing and parallel to said magnetic pole surfaces of the magnets and second sides thereof that interconnect ends of the first sides, the second sides each bulging outwardly, in a diametrical direction of the respective coil, from ends of the second sides adjoining the first sides toward a portion of the second sides between the ends of the second sides.

As in claim 23 and 31 the prior art of record fails to teach or fairly suggest that an actuator for an optical

pickup having a holding portion positioned to face the optical disk and having a surface that holds a peripheral portion of the lens member from the opposite side of the other surface of the lens member, the holding portion having an outermost diameter smaller than the outermost peripheral edge of the lens member, an opening portion diametrically inside of said holding portion forming an optical path about the optical axis of the lens member, a focus coil bobbin portion around the optical path for the winding of a focus coil, and a track coil bobbin portion, having an axis parallel to sides of a winding line shape of the focus coil bobbin portion, for winding a track coil.

As in claims 35, 37 and 39, the prior art of record fails to teach or fairly suggest that a focus coil wound about the optical axis of the lens member.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yeon et al. (5,191,484) is pertinent because Yeon teaches that both focusing coil and tracking coil are wound around an object lens in an optical axis direction.

Song et al. (EP 0997,889) is pertinent because Song teaches that a tracking coil is wound around an object lens in an optical axis direction.

13. **Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington, can be reached on (571) 272-4483.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU
ice 8/31/2007
Examiner AU2627
August 31, 2007
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ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER